

REMARKS

Applicants elect Group V and elect compound 3.34 with traverse.

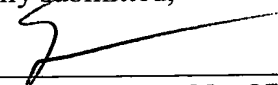
In no way has the examiner established that an undue searching burden would be required in searching the full scope of the claims. Thus, for this reason alone, the restriction requirement should be withdrawn. In particular, there is absolutely no basis in the MPEP for withdrawing pharmaceutical composition claims from compound claims of equal scope with respect to the compounds. Furthermore, there is no basis for withdrawing method of use claims.

The amendment to the Table on page 80 merely incorporates the units (μM) in the last column. This change is supported at least by the incorporation by reference of the priority application DE 10235690 on page 67A of the German text. The priority application contains the units which inadvertently were left out of the US/German text submitted here. See attached page 59 of DE 102 35690.4, as filed and page 33 of DE 102 35690A1 2004.02.19, the former as published. Note the units in the title of the table in the middle of the page, "Inhibition of cytochrome P450 Isoenzyme (IC_{50} , μM).” See also the reference cited at the top of page 80 (Crespi et al.), a copy of which is also being submitted herewith. See the Table and the Figure.

The examiner is urged to redraft the restriction requirement at least to the extent that the possibility that R^1 is isoquinoline, indazole or quinoline is no longer used as a basis for defining separate groups. Searching all three of these N-containing rings certainly poses no substantial searching burden on the examiner and avoids undue piecemeal prosecution as currently being suggested by the PTO.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: SCH-1922

Date: November 14, 2005

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